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Letter dated 23 February 2004 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, containing an account of the Committee's activities from 1 January to 20 December 2003. The report, which was adopted by the Committee today, 23 February 2004, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Ismael Abraão **Gaspar Martins**
Acting Chairman
Security Council Committee established pursuant to
resolution 1521 (2003) concerning Liberia

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Annex

Report of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia covers the period from 21 December 2002 to 22 December 2003, when the Security Council decided, in its resolution 1521 (2003), to dissolve the Committee and to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. This final report of the Security Council Committee established pursuant to resolution 1343 (2001) is therefore submitted pursuant to paragraph 21 (f) of resolution 1521 (2003), by which the Committee is authorized to take action on pending issues concerning the measures imposed by resolutions 1343 (2001), 1408 (2002) and 1478 (2003) while those resolutions were in force.

2. A report of the Committee covering its activities from January to December 2002 was submitted to the Security Council on 20 December 2002 (S/2002/1394).

3. The Bureau consisted of Ambassador Munir Akram (Pakistan) as Chairman, the delegations of Angola and the Syrian Arab Republic providing the Vice-Chairmen. During this period the Committee held six formal meetings in addition to informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

4. By paragraph 3 of resolution 1458 (2003) of 28 January 2003, the Security Council decided to re-establish the Panel of Experts appointed pursuant to paragraph 16 of resolution 1408 (2002) for a period of three months to conduct a follow-up assessment mission to Liberia and neighbouring States. The Panel commenced work on 19 February 2003 and issued its report on 24 April 2003 (S/2003/498).

5. By paragraph 10 of resolution 1478 (2003) of 6 May 2003, the Security Council decided that the arms embargo, the prohibition on the import of rough diamonds from Liberia, and the restrictions on travel for individuals designated by the Committee, first imposed by paragraphs 5 to 7 of resolution 1343 (2001) and extended by paragraph 5 of resolution 1408 (2002), would remain in force for a further period of 12 months.

6. By paragraph 17 of resolution 1478 (2003), the Council decided that all States should take the necessary measures to prevent, for a period of 10 months commencing at 0001 hours eastern daylight time on 7 July 2003, the import of all round logs and timber products originating in Liberia.

7. By paragraph 18 of resolution 1478 (2003), the Council decided to consider by 7 September 2003 how best to minimize any humanitarian or socio-economic impact of the measures imposed by paragraph 17 of the resolution.

8. By paragraph 24 of resolution 1478 (2003), the Council requested the Committee to carry out the tasks set out in that resolution and to continue with its mandate as set out in paragraph 14 (a) to (h) of resolution 1343 (2001) and in resolution 1408 (2002).

9. By paragraph 25 of resolution 1478 (2003), the Council requested the Secretary-General to establish, in consultation with the Committee, a Panel of Experts appointed for a period of five months, to conduct a follow-up assessment mission to Liberia and neighbouring States. The Panel commenced work on 9 June 2003 and issued its humanitarian and socio-economic impact assessment report on 7 August 2003 (S/2003/779), and its final report on 28 October and 6 November 2003 (S/2003/937 and Add.1).

B. Summary of the activities of the Committee

10. During the reporting period, the Committee received 11 notifications of travel submitted in accordance with paragraph 7 (a) of resolution 1343 (2001), as extended by paragraph 5 of resolution 1408 (2002) and paragraph 10 of resolution 1478 (2003), and considered 29 requests for travel ban waivers under paragraph 7 (b) of resolution 1343 (2001), as extended by paragraph 5 of resolution 1408 (2002) and paragraph 10 of resolution 1478 (2003), of which 22 were granted. It should also be recalled that 2 of the 54 requests for travel ban waivers submitted to the Committee in 2002 were still under consideration when its annual report for 2002 was issued (see S/2002/1394, para. 8). The Committee approved those two requests on 26 and 30 December 2002, respectively. The Committee received no requests for exemption of non-lethal military equipment under paragraph 5 (c).

11. The Committee conducted reviews of the travel ban list on three separate occasions, namely, on 3 March, 6 June and 4 September 2003, during which it considered 10 requests for names to be deleted from the list. Three requests were submitted in December 2002 and one request included two names of individuals who are next of kin. The Committee decided to retain the names of nine persons and to remove the names of two persons. There was no request to add any name to the list. The travel ban list was reissued on 9 June 2003.

12. On 25 June 2003, the Committee approved the removal of two persons, reportedly deceased, from the list of members of the Revolutionary United Front subject to the measures set out in paragraph 2 (a) of resolution 1343 (2001). The list was reissued on 25 June 2003.

13. The Committee had discussions on but was not able to adopt guidelines for the conduct of its work as mandated under paragraph 14 (c) of resolution 1343 (2001). This has however not deterred the Committee from discharging its mandate effectively, nor has it prevented the Committee from accomplishing much of what it set out to achieve. It should be noted that, on 18 March 2003, the Committee adopted revised procedures for updating and maintaining the list of persons subject to travel restrictions pursuant to resolution 1343 (2001) and also for handling requests for exemptions from the travel restrictions contained in paragraph 7 (a) of resolution 1343 (2001). Those procedures were subsequently transmitted to the Permanent Mission of Liberia to the United Nations and to the United Nations Peace-building Support Office in Liberia (UNOL), and were also posted on the Committee's web site.

14. Pursuant to paragraph 18 of resolution 1343 (2001), by which States are requested to report to the Committee, within 30 days of the promulgation of the

travel ban list, on the actions they have taken to implement the measures imposed by paragraphs 5 to 7. 52 replies were received from States to date in response to the Committee's note verbale of 7 June 2001, its follow-up note of 27 August 2001, its note of 30 May 2002, which was issued pursuant to paragraph 15 of resolution 1408 (2002), and its note of 23 June 2003. The total number of replies received by the Committee on action taken to implement the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001), as extended by paragraph 5 of resolution 1408 (2002), is 64 (replies received from States pursuant to paragraph 18 of resolution 1343 (2001) and paragraph 15 of resolution 1408 (2002) during the period covered by the present report are listed in the appendix).

15. In paragraph 10 of resolution 1408 (2002), the Security Council called upon the Government of Liberia to take urgent steps, including through the establishment of transparent and internationally verifiable audit regimes, to ensure that revenue it derived from the Liberian Shipping Registry and the Liberian timber industry was used for legitimate social, humanitarian and developmental purposes, and to report back to the Committee on the steps taken and the results of such audits not later than 6 August 2002. The Committee received a letter dated 20 February 2003 from the Permanent Representative of Liberia transmitting Phase II of the Management and Systems Audit of the Bureau of Maritime Affairs and the Forestry Development Authority conducted by Voscon, Inc. pursuant to paragraph 10 of resolution 1408 (2002). The Committee subsequently decided to transmit Phase II of the audit to the Panel of Experts on Liberia on 3 March 2003.

C. Violations and alleged violations of the sanctions regime

16. Under paragraph 14 (b) of resolution 1343 (2001), the Committee is mandated to consider, and to take appropriate action, on information brought to its attention by States concerning alleged violations of the measures imposed by paragraphs 5 to 7 of that resolution (and extended by paragraph 5 of resolution 1408 (2002) and paragraph 10 of resolution 1478 (2003)), identifying where possible persons or entities, including vessels or aircraft, reported to be engaged in such violations, and to make periodic reports to the Council.

17. On 13 February 2003, in response to information brought to the Committee's attention by one of its members, the Chairman addressed letters to the Permanent Representatives of Liberia and the Libyan Arab Jamahiriya to the United Nations seeking clarification regarding an unscheduled stopover in the Libyan Arab Jamahiriya made by the President of Liberia, Charles Taylor, and his delegation on their return to Liberia following the Conference of Heads of State on Côte d'Ivoire held in Paris on 25 and 26 January 2003. On 23 January 2003, the Committee had authorized President Taylor's delegation to travel to the summit meeting in Paris. The Committee had not however authorized any stopover in the Libyan Arab Jamahiriya. After considering the replies received from Liberia and the Libyan Arab Jamahiriya, and following a subsequent exchange of correspondence with the authorities of France and Togo, the Committee agreed, on 25 July 2003, that the unauthorized stopover in Sirte of the aircraft carrying President Taylor and his delegation occurred in violation of the travel ban imposed by resolution 1343 (2001). The Chairman subsequently addressed a letter to the Permanent Representative of Liberia, dated 31 July 2003, drawing the attention of the Government of Liberia to this incident and reminding its authorities of their obligations under the relevant Security Council resolutions. No consensus could be reached in the Committee regarding the dispatch of a similar letter to the authorities of the Libyan Arab Jamahiriya.

18. Other information concerning violations of the sanctions regime has come to the Committee's attention through the reports of the Panel of Experts established pursuant to paragraph 19 of resolution 1343 (2001) (S/2001/1015); paragraph 5 of resolution 1395 (2002) (S/2002/470); paragraph 16 of resolution 1408 (2002) (S/2002/1115); paragraph 3 of resolution 1458 (2003) (S/2003/498); and paragraph 25 of resolution 1478 (2003) (S/2003/937 and Add.1). On 25 February 2003, the Committee requested the Chairman to address 13 letters seeking information from States that, according to the Panel of Experts (see S/2002/1115), had allegedly violated the sanctions regime. The Committee received responses from Ghana, Guinea, Liechtenstein and Serbia and Montenegro. To date, no responses have been received from Chad, the Congo, Côte d'Ivoire, the Gambia, Nigeria, the Republic of Moldova, Sierra Leone, Ukraine and Zambia. This does not include any response which these countries might have provided to the Panel of Experts, either verbally or in writing, when the Panel was constituted. In addition, the Gambia and Sierra Leone did respond to the alleged violations of the Liberia sanctions regime in separate letters addressed to the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, who subsequently forwarded them to the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia.

19. Pursuant to paragraph 17 of resolution 1478 (2003), an embargo on the importation of all round logs and timber products originating in Liberia for a period of 10 months came into force at 0001 hours eastern daylight time on 7 July 2003. In this regard, the Committee received a letter from the Representative of the Secretary-General and Head of UNOL dated 28 May 2003, transmitting a letter from Agnes Cooper of Berakah Home Furnishing, Inc., who sought clarification on the scope of the timber sanctions. The Committee requested the Panel of Experts to provide its views on the scope of the timber embargo, and the Panel replied in a letter dated 19 June 2003. The Committee then held its own deliberations on the matter and, on 30 June 2003, the Chairman sent a reply to the Representative of the Secretary-General and Head of UNOL, requesting him to advise Mrs. Cooper that the scope of timber sanctions included "all round logs and timber products originating in Liberia", as specified in paragraph 17 of Security Council resolution 1478 (2003), including manufactured products such as those produced by her company.

20. The Committee also received a letter from the Permanent Mission of Liberia transmitting a letter from the Marketing Director of Evergreen Trading Corporation seeking the Committee's assistance in connection with a shipment of plywood originating in Liberia which was being held in Antwerp, Belgium, since the shipment had not cleared customs before 7 July 2003, when the Security Council's timber sanctions went into force. Following a subsequent exchange of correspondence with Evergreen Trading Corporation and the Permanent Mission of Belgium, and after obtaining the views of the Legal Counsel of the United Nations, the Committee decided that the matter fell wholly within the competence of the Government of Belgium.

D. Other activities

21. On 10 February 2003, the Chairman wrote to the Under-Secretary-General for Political Affairs to seek his views on the measures the United Nations might contemplate to counter the negative propaganda by the Government of Liberia in connection with the Security Council's sanctions in the light of the observation made by the Panel of Experts (see S/2002/1115). In his reply dated 17 March 2003,

the Under-Secretary-General for Political Affairs recalled that, under the new mandate that had been proposed for the United Nations Peace-building Support Office in Liberia, UNOL would engage in an educational campaign to present accurately United Nations policies and activities regarding Liberia. The Under-Secretary-General drew the attention of UNOL to the concerns raised by the members of the Committee and by the Panel of Experts on Liberia, and he also transmitted the Chairman's letter to the head of the Department of Public Information for his attention.

22. On 5 May 2003, pursuant to paragraph 20 of resolution 1408 (2002), the Chairman briefed the Security Council as part of the Council's second review of the sanctions imposed by paragraphs 5 to 7 of resolution 1343 (2001) and extended by paragraph 5 of resolution 1408 (2002).

23. On 26 August 2003 the Chairman briefed the Security Council on the Committee's deliberations on the reports submitted pursuant to resolution 1478 (2003) by the Secretary-General and the Panel of Experts on Liberia on the possible humanitarian and socio-economic impact of the timber sanctions that went into effect on 7 July 2003.

24. On 6 November 2003 the Chairman briefed the Security Council as part of the Council's first review of its sanctions measures concerning Liberia pursuant to paragraph 32 of resolution 1478 (2003). The Chairman noted that, at the Committee's formal meeting held on 3 November 2003, the Panel of Experts had presented new information based in part on a visit by some Panel members to Monrovia, which had been feasible only after the submission of the Panel's report. The Chairman therefore presented a preliminary report on the discussions held in the Committee thus far on the most recent report of the Panel of Experts (S/2003/937). The Chairman sought the Council's approval for some additional time to enable the Committee to reflect more thoroughly on the Panel's report and its wide-ranging recommendations and to formulate well-considered recommendations for the Council in order to facilitate the Council's sanctions review. The Council acceded to the request. The Committee subsequently met four more times to complete its discussion on the report and recommendations of the Panel of Experts. On 7 November, the Committee agreed that the Chairman should write to the National Transitional Government of Liberia, ECOWAS, the Department of Peacekeeping Operations and the United Nations Mission in Liberia (UNMIL) to seek their views on the sanctions as well as on the latest recommendations of the Panel of Experts. The National Transitional Government of Liberia, UNMIL and the Department of Peacekeeping Operations subsequently conveyed replies to the Chairman's letter. On 4 December 2003, the Chairman provided a fuller report to the Security Council, as the Council completed its first review under paragraph 32 of resolution 1478 (2003), concluding its consideration of the final report of the Panel of Experts (S/2003/937 and Add.1) and the relevant information provided by the Committee.

Appendix

Replies received from States in accordance with paragraph 18 of Security Council resolution 1343 (2001) and paragraph 15 of resolution 1408 (2002)

	State	*Date of report*	*Symbol*
1.	Syrian Arab Republic	2 January 2003	S/AC.39/2003/1
2.	Cyprus	27 January 2003	S/AC.39/2003/2
3.	South Africa	4 February 2003	S/AC.39/2003/3
4.	Romania	20 March 2003	S/AC.39/2003/4
5.	Argentina	23 April 2003	S/AC.39/2003/5
6.	Croatia	7 July 2003	S/AC.39/2003/6
7.	Norway	5 August 2003	S/AC.39/2003/7
8.	Portugal	31 July 2003	S/AC.39/2003/8
9.	Russian Federation	27 August 2003	S/AC.39/2003/9
10.	Austria	10 September 2003	S/AC.39/2003/10
11.	Italy	22 August 2003	S/AC.39/2003/11
12.	Ghana	5 November 2003	S/AC.39/2003/12